

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:09-cr-00270

THOMAS CREIGHTON SHRADER

**FIFTH SUPPLEMENTAL RESPONSE OF THE UNITED STATES OF  
AMERICA TO DEFENDANT'S STANDARD DISCOVERY REQUESTS**

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, Rule 16.1(a) of the Local Rules of Criminal Procedure, and the Arraignment Order and Standard Discovery Request entered by the Court in this case on December 15, 2009, the United States of America, by counsel, herewith supplements its response to Defendant's Standard Discovery Requests by providing the following:

**Request B: Disclose to defendant and make available for inspection, copying or photographing, all of the following:**

(i) Any relevant written or recorded statement by the defendant if the statement is within the government's possession, custody, or control; and the attorney for the government knows--or through due diligence could know--that the statement exists. [Fed. R. Crim. P. 16(a)(1)(B)(i)]

**Response:** On April 26, 2010, Defendant filed a pro se "Motion to Suppress Illegally Obtained Evidence." The publicly filed document is docketed under seal at Document No. 77 in this case.

**Request E: Permit the defendant to inspect and to copy or photograph books, papers, documents, data, photographs, tangible objects, building or places, or copies or portions of any of those**

items, if the item is within the government's possession, custody or control, and (i) the item is material to preparing the defense; (ii) the government intends to use the item in its case-in-chief at trial; or (iii) the item was obtained from or belongs to defendant. [Fed. R. Crim. P. 16(a)(1)(E)]

**Response:** Enclosed are two disks containing the results of a search warrant obtained on March 11, 2010 to search a HP CPU Tower with external floppy drive and serial number MX860801CB.

Any discovery provided that is not mandated by Court order, the Federal Rules of Criminal Procedure, federal statute or federal case law, is provided voluntarily as a matter of discretion solely to expedite and facilitate litigation of this case.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify that the "FIFTH SUPPLEMENTAL RESPONSE OF THE UNITED STATES OF AMERICA TO DEFENDANT'S STANDARD DISCOVERY REQUESTS" has been electronically filed and service has been made on opposing counsel by virtue of such electronic filing and hand-delivery today, May 24, 2010:

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